

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SAFECO INSURANCE COMPANIES,

Plaintiff,

v.

NEW ENGLAND FOUNDATION
COMPANY, INC., PATRICK A. O'NEILL,
and PATRICIA E. O'NEILL,

Defendants.

CIVIL ACTION NO. 04-10989

**SECOND ASSENTED-TO MOTION TO CONTINUE THE SCHEDULING
CONFERENCE**

Plaintiff, Safeco Insurance Companies ("Safeco"), respectfully requests a 45-day extension of the Scheduling Conference that is currently scheduled for June 24, 2005. As grounds for this Motion, Safeco states as follows:

1. This action was commenced by Safeco seeking reimbursement for Safeco's incurred losses and expenses and to provide collateral under an Indemnity Agreement executed by the Defendants, New England Foundation Company, Inc. ("NEFCO"), Patrick A. O'Neill and Patricia E. O'Neill (the "Indemnitors") pursuant to a General Indemnity Agreement executed by the Defendants.
2. This Court ordered a Writ of Attachment dated December 29, 2004.
3. In addition, pursuant to the terms of a Trust Account Agreement, Safeco has an assignment of a life insurance policy owned by Patrick A. O'Neill.
4. The Scheduling Conference is currently scheduled for June 24, 2005.

5. Safeco presently has sufficient collateral in place and has engaged in negotiations regarding the settlement of this matter between NEFCO and the Indemnitors.

6. The Scheduling Conference has already been continued once. However, Mr. O'Neill remains in ill health with a life limiting illness.

7. The continuation of the Scheduling Conference will allow the parties to continue those settlement negotiations including a possible Consent Judgment.

WHEREFORE, the Plaintiff Safeco respectfully moves this Honorable Court to continue the June 24, 2005 Scheduling Conference for a period of 60 to 90 days.

Respectfully Submitted,
Safeco Insurance Companies,
By its attorneys,

/s/ Paula-Lee Chambers
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Dated: June 22, 2005